

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING\***  
A Statement of Need and Fiscal Impact accompanies this form.

Board of Licensed Social Workers	Chapter 877
Agency and Division	Administrative Rules Chapter Number
Martin Pittioni, Executive Director	503-373-1163
Rules Coordinator	Address Telephone

**RULE CAPTION**

Amended proposed rules and fees to implement Senate Bill 177 (2009), and House Bill 2345 (2009).

**Not more than 15 words that reasonably identify the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing

**ADOPT:** 877-001-0006; 877-001-0015; 877-001-0020; 877-001-0025; 877-005-0101; 877-015-0105; 877-015-0108; 877-015-0131; 877-015-0136; 877-015-0146; 877-015-0155; 877-040-0018;

**AMEND:** 877-010-0005; 877-010-0010; 877-010-0015; 877-010-0020; 877-010-0025; 877-010-0030; 877-010-0040; 877-010-0045; 877-020-0000; 877-020-0005; 877-020-0008; 877-020-0009; 877-020-0010; 877-020-0016; 877-020-0046; 877-020-0055; 877-020-0057; 877-020-0060; 877-022-0005; 877-025-0001; 877-025-0006; 877-025-0011; 877-025-0016; 877-025-0021; 877-030-0025 through 877-030-100; 877-040-0000; 877-040-0003; 877-040-0010; 877-040-0050;

**REPEAL:** 877-020-0015; 877-020-0020; 877-020-0030; 877-030-0050; 877-035-0000; 877-035-0010; 877-035-0012; 877-035-0013; 877-035-0015 (entire division 35);

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth. : ORS 675.510-ORS 675.600; [ORS 675.532 and ORS 675.533 effective January 1, 2011]

Other Auth.: Senate Bill 177 (2009)

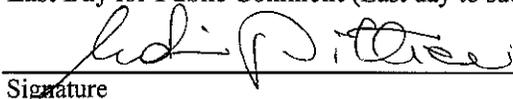
Stats. Implemented: ORS 675.571; ORS 675.532; ORS 675.533; 675.990-994; ORS 676.150

**RULE SUMMARY**

**The purpose of this Notice is to extend the comment period on the proposed rules of the Agency.** A Rulemaking Hearing was held on September 21, 2010. Proposed Amended Rules have been posted on the Board's website at [www.oregon.gov/blsw](http://www.oregon.gov/blsw). The proposed amended rules implement Senate Bill 177 (2009) provisions that become law on January 1, 2011, including fees and requirements for application and renewal for new, voluntary, non-clinical licensing options that become available then: Registered Bachelors of Social Work – RBSW, and Licensed Masters of Social Work – LMSW. The proposed amended rule substantially increases the late fee for LCSW licensure renewals, defines certain terms used in the definition of clinical social work in ORS 675.510(2), and adopts a rule exempting MSW students engaging in clinical social work from the mandatory licensure requirement for clinical social work. The proposed amended rule consolidates mandatory reporting requirements, including those required by House Bill 2059 (2009), into one section of the Board's Ethics Code, and applies Ethics Code to all regulated social workers. The proposed amended rule adopts the temporary rule to implement House Bill 2345, which eliminated the Board's Impaired Professional Program, and adopts the definition of impairment required by HB 2345, and makes related changes to complaint management rules. The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

December 2, 2010

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)



Martin Pittioni  
Printed name

October 15, 2010  
Date

\*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

ARC 923-2005

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

State Board of Licensed Social Workers  
Agency and Division

Chapter 877  
Administrative Rules Chapter Number

Proposed amended rules to implement Senate Bill 177 (2009), and House Bill 2345 (2009).

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Amendment of Rules in Oregon Administrative Rules Chapter 877, Divisions 10, 20, 22, 25, 30, 40; establishing new rules in Chapter 877 Divisions 1, 5, 15, and 40; and repeal of rules in Divisions 20, 30, and 35.

Statutory Authority: ORS 675.510-ORS 675.600; ORS 675.990-994; ORS 676.150; ORS 676.175 - ORS 676.177;  
Other Authority: Senate Bill 177 (2009), House Bill 2059 (2009); House Bill 2345 (2009).  
Stats. Implemented: ORS 675.571; ORS 675.532; ORS 675.533; 675.990-994; ORS 676.150

Need for the Rule(s): Implements provisions of Senate Bill 177 (2009) taking effect on January 1, 2011, including fees and requirements for application and renewal for new, non-clinical licensing options: Registered Bachelors of Social Work – RBSW, and Licensed Masters of Social Work – LMSW. The rule defines certain terms used in the definition of clinical social work in ORS 675.510(2). The rule consolidates mandatory reporting requirements into one section of the Board's Ethics Code. The rule clarifies the ethical responsibility for all regulated social workers to take into account the new license types. The proposed rule adopts the temporary rule to implement House Bill 2345, which eliminates the Board's Impaired Professional's Program, adopts the definition of impairment in HB 2345, and makes related changes to the complaint management rules.

Documents Relied Upon, and where they are available:

The bills implemented, Senate Bill 177 (2009) and House Bill 2345 can be accessed through the Oregon State Legislature web site: [www.leg.state.or.us](http://www.leg.state.or.us) The proposed rules text and explanatory documents regarding these new regulations, including a Power Point overview, are posted on the front page of the Board's web site, [www.oregon.gov/blsw](http://www.oregon.gov/blsw). Copies of the proposed rule are also available by contacting the Board Office at 503.378.5735 or toll-free at 1.866.355.7050

Fiscal and Economic Impact: Some cost reduction for most licensees due to extension of licensing terms from 1 year to 2 year basis. Moderate cost of compliance with application and licensure requirements.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Small - voluntary new licensing options.
2. Cost of compliance effect on small business (ORS 183.336): Some savings due to licensure cycle length increase.
  - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Proposed rules affect 3700 existing licensees and certificate holders, primarily practicing in public and private agency settings, with a minority of a about 700 licensees in a private practice / small business setting, and about 1300 degreed and unlicensed social workers.
  - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: Some increase in costs due to assessment of what constitutes clinical social work and thus may trigger a licensure requirement. Voluntary moderate costs for non-clinical social workers who choose RBSW or LMSW licensure.
  - c. Equipment, supplies, labor and increased administration required for compliance: Moderate to none.

How were small businesses involved in the development of this rule? A rule advisory committee that included licensees in private and public practice, as well as an unlicensed degreed social worker, was consulted.

Administrative Rule Advisory Committee consulted? YES

If not, why?:



Martin Pittioni      October 15, 2010

Printed name      Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007